

No. 802/2-E/103/23/72-73.—The following officers of the P. W. D. Irrigation Branch, Haryana, have passed the Departmental Revenue Examination as prescribed in para 1.112 of the P. W. D. Code, held on 25th and 27th November, 1972 :—

Serial No.	Name and Designation	Circle to which attached
1	Sarvshri— V. N. Grover Xen.	I. B. Head Office.
2	Ram Mehar, T. E.	W. J. C. Feeder Circle.
3	Balbir Singh, S. D. O.	Loharu Canal Circle. (Compartment in paper 'A' cleared)
4	S. R. Gupta, T. E.	B. P. O., Talwara.
5	Devinder Singh Chaudhry, S. D. O.	P. H. Circle, U. T. Chandigarh (Compartment in paper 'B' cleared)

P. P. CAPRUHAN, Commissioner and Secy.

DEPARTMENT OF TOWN & COUNTRY PLANNING & URBAN ESTATES

The 12th February, 1973

No. 166-DU(II)-73/1865.—In pursuance of the provisions of clause (f) of section 2 of Punjab Urban Estates (Development and Regulation) Act, 1964, the Governor of Haryana is pleased to appoint Shri J. N. Bhargava, Assistant Estate Officer, Faridabad to perform the functions of the Estate Officer under the said Act in relation to Urban Estates, Faridabad and Gurgaon till further orders.

The Governor of Haryana is also pleased to appoint under Rule 3 of Urban Estate (Sale of site) Rules, 1965, Shri J. N. Bhargava, Assistant Estate Officer, Faridabad as an authority to sell the plots in the Urban Estates, Faridabad and Gurgaon in consultation with the Administrator, Urban Estates, Faridabad/Director, Urban Estates, Haryana, Chandigarh during the period he performs the functions of Estate Officer, Faridabad.

L. C. GUPTA, Secy.

TOWN AND COUNTRY PLANNING DEPARTMENT

The 21st February, 1973

No. 658-2TCP-73/5457.—With reference to Haryana Government notification No. 1243-VDP-68/992, dated 10th/17th February, 1969, published in the Haryana Government Gazette, dated 18th March, 1969 and in exercise of the powers conferred by sub-section 4 of section 5 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act of 1963), the Governor of Haryana proposes to make the following amendment in the Development Plan for the Controlled Area Sonapat and to publish the same for the information of the public and all persons likely to be effected thereby.

Notice is hereby given that the draft will be taken into consideration by the Government on or after the expiry of a period of 30 days from the date of publication of this notification in the official gazette, together with objections and suggestions, if any, which may be received by the Director, Town and Country Planning, Haryana, Chandigarh from any person with respect to the draft, before the expiry of the specified period.—

DRAFT AMENDMENT

EXPLANATORY NOTE

The final Development Plan for Sonapat Controlled Area Part I and II was published in the Haryana Government Gazette of 18th March, 1969.

Under the rules no construction can take place in the Green Belt. Petrol Pumps are desired to be installed on the road sides and it is, therefore, proposed to convert the area previously shown as Green Belt Zone, into communication zone in the said Development Plan. The following clause shall be incorporated in Appendix 'A' of Annexure 'B' after Clause VI:—

VII : COMMUNICATION ZONE

- | | |
|-------------------------------------------------|---------------------------------------------------|
| (1) Agriculture and Horticulture | (Excluding erection of any building or structure) |
| (2) Petrol-filling Stations | } At approved sites only. |
| (3) Bus Queue-shelters) | |
| (4) Hydro-electric transmission lines and poles | Only lines. |

L. C. GUPTA, Secy.

FINANCE DEPARTMENT

REGULATIONS

The 20th February, 1973

No. 6380-3FR-72/5674.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules further to amend the Punjab Civil Services Rules, Volume I, Part I, namely :—

- (1) These rules may be called the Punjab Civil Services, Volume I, Part I (Haryana Second Amendment) Rules, 1973.
- (2) In the Punjab Civil Services Rules, Volume I, Part I, in rule 4.4, after note 8, the following shall be added, namely :—

Note.—(9) (1) Where a Government employee is in receipt of a special pay in a post, his pay on promotion to a higher post will be fixed after taking into account the special pay drawn in the lower post subject to the following conditions :—

- (i) the special pay in the lower post should have been granted in lieu of a separate higher time scale (e.g. special pay granted to steno-typist, clerks-in-charge, etc.) ;
- (ii) if the special pay has been drawn in the lower post continuously for a minimum period of three years on the date of promotion, the pay in the higher post will be fixed under the normal rules, treating the special pay as part of basic pay. In other cases, the pay in the time scale of the higher post will be fixed under the normal rules with reference to basic pay drawn in the lower post (excluding the special pay), where this results in drop in emoluments, the difference between the pay so fixed and the pay plus special pay drawn in the lower post will be allowed in the form of personal pay to be absorbed in future increases of pay ;

- (iii) in both the kinds of cases referred to in clause (ii) above, it should be certified that, but for the promotion the Government employee would have continued to draw the special pay in the lower post.

Exception.—(i) The condition of special pay having been drawn continuously for a minimum period of three years as well as the certificate of continued drawal of special pay but for promotion should not be insisted upon in the case of a person holding substantively the lower post carrying special pay in lieu of a separate higher scale. This exemption will not be available to officers with substantive position in a cadre and holding post carrying a special pay in lieu of a separate higher scale in the cadre, as confirmation of officers in the cadre is not made against individual posts. The condition of drawal of special pay in such posts continuously for not less than three years should be applied in those cases.

(ii) The certificate of continued drawal of special pay but for promotion in case where a special pay is in lieu of a higher scale of pay and has been drawn continuously for at least three years should be dispensed with. In other cases, such a certificate should be insisted upon.

(iii) It may happen that a senior person promoted to the higher post before completing three years in the special pay post draws less pay than his junior who is promoted after completing three years in the special pay post. Where such cases occur, the pay of the senior should be stepped up to the level of pay of the junior from the date of promotion of the latter, provided the junior was not drawing higher pay than the senior from time to time in the lower post and the lower and higher posts held by the junior and the senior belonging to the same cadre.

(2) The following type of special pay will not be taken into account for fixation of pay in the higher posts :—

- (i) Special pay drawn in a tenure post ;
- (ii) Special pay granted for service in particular localities on account of remoteness, un-healthiness, severity of climate, etc. ;
- (iii) Deputation (Duty) Allowance or special pay drawn in lieu thereof.

N. N. KASHYAP,

Financial Commissioner, Revenue and Secy.

LABOUR DEPARTMENT

The 8th February, 1973

No. 1150-4 Lab-73/5100.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Bolton India Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Application No. 20 of 1972 under section 33-A of the Industrial Disputes Act, 1947

between

SHRI BALDEV SINGH WORKMAN AND THE MANAGEMENT OF M/S BOLTON INDIA LTD., FARIDABAD

Present :—

Shri Onkar Parkash, for the workman.

Shri R. C. Sharma, for the management.

AWARD

The facts relevant for the disposal of this complaint under section 33-A of the Industrial Disputes Act, 1947, may briefly be stated as under :—

The Bhartia Mazdoor Sangh, Mahabir Road, Market No. 1, N.I.T., Faridabad, raised a dispute on behalf of the workman of M/s Bolton India Ltd., Sector No. 6, Faridabad for fixation of grades and scales of pay and payment of bonus at 20% for the year 1969-70 which was registered as Reference No. 50 of 1972. During the pendency of this reference the management is alleged to have terminated the services of Shri Baldev Singh a workman concerned in the said dispute. He has, therefore, brought this complaint with the allegations that the aforesaid action has been taken against him by way of victimisation and in contravention of the provisions of section 33 of the Act and he was, therefore, entitled to be reinstated.

Notice of the complaint was given to the management. The allegations made by Shri Baldev Singh complainant have been controverted and it has been urged that he had himself abandoned services and no order of dismissal or discharge was made against him. It has further been urged that there was no contravention of the provisions of section 33 of the Act and as such he was not entitled to any relief in the present proceedings. The following issue was framed.

Whether the termination of the services of Shri Baldev Singh complainant has been effected in contravention of the provisions of section 33 of the Industrial Disputes Act, 1947 ? If so ; what relief is he entitled to ?

The management has examined three witnesses including Shri Manjit Singh Partner and Factory Manager M.W. 1, Shri Raja Gopal, Time-keeper M.W.2, Shri Prem Singh, Foreman M.W. 3 and have unanimously opposed that Shri Baldev Singh had absented himself from duty for a considerable period in April, 1972 as he had joined service with some other concern at Calcutta and his name was, therefore, struck off the rolls as per the terms and conditions of his service given in the letter of his appointment Exhibit M.W. 1/1.

Shri Baldev Singh, concerned workman has made his own statement besides examining two witnesses Ram Phal Packer W.W. 1, Samshodin, Welder W.W. 2. According to him he had proceeded on leave for two months from 17th April, 1972 to 21st June, 1972 which was duly sanctioned by the management but when he reported for duty on the expiry of the leave he was not assigned any work. In cross examination he has stated that he had proceeded on leave because some Goondas had quarreled with him and he had not been keeping good health. He, however, admits that no Medical Certificate was produced by him regarding his illness. The other two witnesses have also deposed that Shri Baldev Singh had proceeded on leave.

The case has been argued on both sides and I have given a careful consideration to the facts on record and the contentions raised by the learned representatives of the parties.

There was manifestly no contravention of the provisions of section 33 of the Industrial Disputes Act, 1947 so as to attract the provisions of section 33-A. In the first instance there was no pendency as the main reference No. 50 of 1972 on account of which the present complaint is said to have arisen has been held to be not a valid reference for want of industrial dispute between the parties and its proper espousal. Then from the evidence led by the management, oral as well as, documentary it is proved that Shri Baldev Singh workman concerned had himself abandoned service with this management some time in April, 1972 in order to join service with some other concern at Calcutta and when he did not report for duty during the period from 17th April, 1972 to 11th May, 1972 his name had to be struck off the rolls as per condition No. 7 of his contract of employment Ex. M.W. 1/1 on record. He has no doubt made an attempt to show that he had in fact proceeded on leave for two months from 17th April, 1972 to 21st June, 1972 but no such plea was taken in the complaint itself nor was any such suggestion made to the witnesses of the management including the Factory Manager, the Time-keeper and the Foreman. His plea of proceeding on leave is thus only an after-thought and therefore, not tenable.

From the evidence of the management it is no doubt clear that on his return from Calcutta after the absence from duty of about 2 months or so, this workman had been re-engaged by the management as a Grinderman in a temporary capacity but he had to be relieved of his duties when on account of the cancellation of the orders received from the different concerns, no work was left for him.

There being thus no contravention of the provisions of section 33 of the Industrial Disputes Act, 1947 as alleged by the complainant the present complaint is not maintainable and he is not entitled to any relief. The complaint shall accordingly stand dismissed. No order as to costs.

Dated, the 30th January, 1973.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 99, dated the 31st January, 1973.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

Dated, the 31st January, 1973.

O.P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.